

In maintaining the rejection, the Patent Office first notes that during patent examination, the pending claims must be given the broadest reasonable interpretation consistent with the specification, citing MPEP Section 2111. In view of the cited portion of the MPEP, the Patent Office refers Applicants' attention to Claim 27 wherein the term "performance circuit" includes a transistor having drain, gate, and contact regions. Based on a language of Claim 27, the Patent Office concludes that Watt fulfills the requirement for a performance circuit by showing a transistor (54, 55) in Figures 5 and 6 that has the required drain, gate, and contact regions. Finally, the Patent Office notes that, broadly speaking, the transistor (54, 55) can also be considered as a "performance circuit" since the transistor of Watt meets the definition presented by Applicants.

In response, Applicants strongly disagree with the Patent Office's characterization of Watt as disclosing a performance circuit in a first well of a substrate and a protection circuit in a second well of a substrate. Rather, only a cursory review of Watt is necessary to see that nMOSFETs 54 and 55 within p-well 53 form the positive ESD (e.g., electrostatic discharge) protection component of an ESD protection circuit, and diode 52 within p-well 51 forms the negative ESD protection component of the ESD protection circuit (Col. 7, lines 2-9). Therefore, Applicants submit that forming a positive component of a protection circuit in one well of a substrate and forming the negative component of the protection circuit in a second well within the substrate is not the same as forming a performance circuit in one well of a substrate and forming a protection circuit in a second well of the substrate, as recited in Applicants' independent Claim 20. Thus, at least this limitation is not disclosed by Watt.

Given the disclosure of Watt (e.g., merely forming two different components of the same protection circuit within two different wells of a substrate) and the plain meaning of the language used in Applicants' independent Claim 20, one of skill in the art could not reasonably interpret, even in the broadest sense, that the term "performance circuit" could be used in the same manner as the term "protection circuit," as used extensively throughout Applicants' specification. Based on the plain language used in the claims and by the use of the terms in the specification, a performance circuit and a protection circuit are not interchangeable for purposes of claim interpretation.

Moreover, Applicants believe that it is improper for the Patent Office to utilize language from Claim 27 relating to one specific embodiment of forming a performance circuit as being necessarily read into Applicants' independent Claim 20 in an attempt to anticipate Applicants' claims. However, even if such language is imported into Claim 20, Watt still fails to anticipate Applicants' claims. For example, regardless of the components used to form the performance circuit, Watt fails to disclose any type of performance circuit formed in a well separate and distinct from a protection circuit formed in another well of the substrate. Therefore, Applicants submit that, given the broadest reasonable interpretation consistent with the specification, Watt fails to disclose every limitation of Applicants' independent Claim 20.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claim 20. Claims 21-29 depend from independent Claim 20 and contain all of the limitations thereof. Thus, the rejected dependent claims are not anticipated at least for the same reasons as independent Claim 20.

CONCLUSION

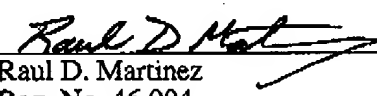
In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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Dated: 5/23, 2003


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CERTIFICATE OF TRANSMISSION:

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on May 23, 2003.


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52303
May 23, 2003

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